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In re Application of	:	
KIEFER, Rainer	:	
Application No.: 10/069,636	:	DECISION ON
PCT Application No.: PCT/EP00/05522	:	
International Filing Date: 15 June 2000	:	PETITION
Priority Date: 17 June 1999	:	
Attorney Docket No.: WSP:204-US	:	UNDER 37 CFR 1.137(b)
For: DISCHARGE VALVE FOR	:	
CO <sub>2</sub> -PRESSURE CYLINDERS	:	

Applicant's "Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the United States Patent and Trademark Office on 26 February 2002 is **GRANTED**.

### **BACKGROUND**

On 15 June 2000, applicant filed international application number PCT/EP00/05522, which claimed a priority date of 17 June 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau on 28 December 2000. On 10 January 2001, a demand for international preliminary examination, in which the United States was elected, was filed prior to the expiration of nineteen months from the priority date. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 17 December 2001.

On 26 February 2002, applicant filed a transmittal letter for entry into the national stage in the United States, accompanied by, *inter alia*, a petition to revive and the basic national fee.

### **DISCUSSION**

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfies the requirements of 37 CFR 1.137(b)(3). Applicant has paid both the petition fee and the basic national fee. A terminal disclaimer is not required as application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

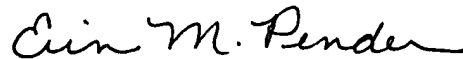
**CONCLUSION**

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing, including preparation of a Notification of Missing Requirements indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b), an English translation, the surcharge for late filing of the oath or declaration and the processing fee for late furnishing of the English translation are required.



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